

APPROVAL OF CONSENT AGENDA

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Giovanni Moss, Director, Housing and Community Development,
954-797-1226

PREPARED BY: Giovanni Moss, Director, Housing and Community Development,
954-797-1226

SUBJECT: Resolution authorizing the Mayor to execute an Agreement with
Tran Construction, Inc. for installation and connection of sewer laterals .

AFFECTED DISTRICT: Town Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TRAN CONSTRUCTION, INC. TO INSTALL AND CONNECT SEWER LATERALS TO RESIDENTS IN THE TOWN'S EASTERN CDBG TARGET AREA / COMMUNITY REDEVELOPMENT AREA AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from 03/23/2010)

REPORT IN BRIEF: A competitive bid was conducted for installation and connection of sewer laterals. On November 17, 2009, three bids were received by the Town of Davie. By Resolution No. R-2010-24 approved February 3, 2010 the Davie Town Council accepted the bid and approved the selection of Tran Construction, Inc. to install and connect the sewer laterals to all residents within the Town's Eastern CDBG Target Area/CRA and authorized the Mayor or her designee to negotiate an agreement with Tran Construction, Inc. Income-eligible residents will be given 100% assistance through the Town's CDBG Sewer Connection Program and all other residents will have the option to utilize the same contractor for the same unit price with 50% grant assistance through the Town's Community Redevelopment Agency to assist with sewer lateral connections. An agreement has been negotiated between the Town of Davie and Tran Construction, Inc. based on per unit cost specified in the selected bid to install and connect the sewer laterals for residents within the Town's Eastern CDBG Target Area/CRA.

PREVIOUS ACTIONS: Resolution R-2010-24 approved on February 3, 2010 authorizing the Mayor or her designee to negotiate an agreement between the Town and Tran Construction, Inc.

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$ Based on per unit cost specified in Attachment A

Account name and number: 011-1601-554-64-05-08 IMPV - For CDBG eligible residents

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Agreement between Town of Davie and Tran Construction, Inc.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH TRAN CONSTRUCTION, INC. TO INSTALL AND CONNECT SEWER LATERALS TO RESIDENTS IN THE TOWN'S EASTERN CDBG TARGET AREA / COMMUNITY REDEVELOPMENT AREA AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a competitive bid was conducted for installation and connection of sewer laterals for those residents in the Town's Community Development Block Grant (CDBG) Target Area and the Town's Community Redevelopment Area; and

WHEREAS, the bid was sent to fifty-one (51) bidders, advertised in the Sun-Sentinel and posted on the Town's web site; and

WHEREAS, on November 17, 2009, three bids were received by the Town of Davie; and

WHEREAS, by Resolution No. R-2010-24 approved February 3, 2010 the Davie Town Council accepted the bid and approved the selection of Tran Construction, Inc. to install and connect the sewer laterals to all residents within the Community Redevelopment Area; and

WHEREAS, all residents within the Community Redevelopment Area will be assisted with sewer lateral connections; and

WHEREAS, all income eligible residents will receive 100% grant assistance through the Town's CDBG Sewer Connection Program and all other CRA residents will be able to utilize Trans Construction, Inc. for the same unit price with 50% grant assistance through the Town's Community Redevelopment Agency; and

WHEREAS, an agreement between the Town and Tran Construction, Inc. has been negotiated and the Town of Davie believes that such an agreement based on a per unit cost as specified in the selected bid will be beneficial to all parties and will result in great benefit to the residents of the Town of Davie; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Mayor or her designee is hereby authorized to execute the Agreement between the Town of Davie and Tran Construction, Inc. to install and connect sewer laterals all CDBG/CRA residents based on per unit cost as specified in the selected bid

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2010

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2010.

AGREEMENT

THIS AGREEMENT, made and entered into on this ____ day of _____, 2010, by and between the Town of Davie, Florida, hereinafter called TOWN, and Tran Construction, Inc. hereinafter called CONTRACTOR.

WITNESSETH:

1. That CONTRACTOR, for the consideration hereafter fully set out, hereby agrees with the TOWN as follows:

That CONTRACTOR shall furnish all the materials, equipment and labor to perform all the work necessary to complete the Town's Sewer Connection Program for the Town of Davie, Florida, all in full and complete accordance with the Specifications.

2. That CONTRACTOR shall commence the work performed under this Agreement on the date specified in the Notice to Proceed order from TOWN and shall fully complete all work within Ninety (90) calendar days from said date.
3. That TOWN hereby agrees to pay CONTRACTOR for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Proposal, in lawful money of the United States. Prior to Commencing work the Contractor shall visit each residence individually, and prepare a proposal to complete the installation of the Sewer Laterals in accordance with the unit prices indicated on the attached bid sheet, Bid Number B-10-16, hereby included as Attachment "A". Upon receipt of said proposals Town will prepare a separate Purchase Order for each residence, and forward it to Contractor.
4. That CONTRACTOR hereby agrees to extend its per unit price to all non-CDBG eligible households within the Community Redevelopment Area with the understanding that those households will pay fifty percent (50%) of the per unit price prior to commencement of the sewer lateral installation work and the Community Redevelopment Agency will pay the remaining costs upon completion of the sewer lateral installation.
5. That upon submission by CONTRACTOR of evidence satisfactory to TOWN that all payrolls, material bills, and other costs incurred by CONTRACTOR in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within thirty (30) days after the completion by CONTRACTOR of all work covered by this Agreement and the acceptance of such work by TOWN.

6. No additional work or extras shall be performed unless the same shall be duly authorized by appropriate action of TOWN in writing.
7. That in the event either party brings suit for enforcement of disagreement, the prevailing party shall be entitled to attorney's fees and court costs in addition to any other remedy afforded by law. CONTRACTOR shall guarantee the complete project against poor workmanship and faulty materials for a period of twelve (12) months after final payment and shall immediately correct any defects which may appear during this period upon notification by the TOWN. The venue for any legal action shall be in Broward County, Florida.
8. The making and acceptance of the final payment shall constitute a waiver of all claims by TOWN other than those arising from unsettled liens, from faulty work appearing within twelve (12) months after final payment, or from requirements of all specifications. It shall also constitute a waiver of all claims by CONTRACTOR, except those previously made and still unsettled.
9. CONTRACTOR shall perform all work react Documents for the Town's Sewer Connection Program, Bid No. B-10-16.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above.

CONTRACTOR

WITNESS:

TITLE

TOWN OF DAVIE

ATTEST:

RUSSELL MUNIZ
Town Clerk

JUDY PAUL
Mayor

(Seal)

APPROVED AS TO FORM AND
CORRECTNESS:

JOHN RAYSON
Town Attorney
Town of Davie

